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CRP. No.3904 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11..2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP. No. 3904 of 2023

1.S.Jawahar

2.S.Usha

...Petitioners

Vs

1.Vijayalakshmi

2.Senthilkumar

...Respondents

PRAYER : This Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the rejection order dated 02.09.2023 made in unnumbered I.A No. SR. No. 4965 of 2023 in probate O.P No. 136 of 2022, on the file of the Principal District Court, Tiruvallur.

For Petitioner : A.E.Ravichandran



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ORDER

WEB COPY This petition has been filed to set aside the rejection order dated 02.09.2023 made in unnumbered I.A No. SR. No. 4965 of 2023 in probate O.P No. 136 of 2022, on the file of the Principal District Court, Tiruvallur.

2. The petitioner herein filed I.A SR. No. 4965 of 2023 in Probate O.P No. 136 of 2022, before the Principal District Judge, Tiruvallur, to mark the copy of Will of the deceased Uma Shanmugasundaram dated 31.07.2015 filed along with the original petition, as exhibit through P.W.1 for the purpose of probating the same in Probate O.P No. 136 of 2022. The said petition was dismissed by the Court below. Challenging the same, the revision petitioner filed this petition.

3. Heard the learned counsel for the petitioners.

4. On perusal of records, it reveals that the petitioner filed a petition to mark copy of the Will and the said petition was dismissed by the Court below stating that the original Will has not been filed by the petitioner and also there is no sufficient reasons stated by the petitioner for non-production of the primary evidence. Considering the fact that the petitioner filed photo copy of the Will and also other parties are sisters of the petitioners they have no objection to mark the said Will. Hence, the court below ought to



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have permitted the petitioners to mark the said Will. Even the copy of the Will can be produced by the parties with sufficient reasons for non production of the original Will, but it should be proved before the court. Therefore, the findings of the Court below in unnumbered I.A No. SR. No. 4965 of 2023 in probate O.P No. 136 of 2022 is set aside. Accordingly, I.A No. SR. No. 4965 of 2023 in probate O.P No. 136 of 2022 is allowed.

5. In result, this Civil Revision petition is disposed of. No cost.

02.11.2023

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To

The Principal District Judge, Tiruvallur.



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T.V.THAMILSELVI,J.

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